

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

ROBERT STROUGO, Individually and on	)	Civil Action No. 3:20-cv-00165
Behalf of All Others Similarly Situated,	)	
	)	<u>CLASS ACTION</u>
Plaintiff,	)	
	)	Judge Waverly D. Crenshaw, Jr.
vs.	)	Magistrate Judge Jeffery S. Frensley
	)	
TIVITY HEALTH, INC., et al.,	)	LEAD PLAINTIFF'S MOTION TO
	)	ASCERTAIN STATUS OF PENDING
Defendants.	)	UNOPPOSED MOTION TO APPROVE THE
	)	FORM AND MANNER OF CLASS NOTICE
_____	)	AND NOTICE PLAN; REVISED EXHIBITS
	)	AND ORDER IN SUPPORT THEREOF

Lead Plaintiff and Class Representative Sheet Metal Workers Local No. 33, Cleveland District, Pension Fund ("Plaintiff") respectfully makes this request, pursuant to Local Rule 7.01(c), to: (i) ascertain the status of Plaintiff's Unopposed Motion to Approve the Form and Manner of Class Notice and Notice Plan (ECF 247) (the "Motion"); and (ii) provide the Court with a revised order and exhibits in support thereof, which update the deadlines for effectuating and completing the Notice Plan. *See* ECF 247-4.

On June 15, 2023, Plaintiff filed the Motion, which was unopposed. ECF 247. The Motion included specific proposed dates for the effectuation of notice to the class, including that Gilardi & Co. LLC, the proposed Notice Administrator, would begin sending the proposed Postcard Notice no later than July 1, 2023 (the "Notice Date"). ECF 247-4.

The Court has yet to rule on the Motion, and the proposed Notice Date has now passed, rendering stale the proposed deadlines for effectuating notice.

Plaintiff respectfully requests that the Court advise the parties of the status of the Motion as notice should be provided promptly to the class in light of the upcoming trial in this action, which is currently set for September 12, 2023.

Attached hereto are a revised [Proposed] Order, Postcard Notice, Summary Notice, Notice of Pendency of Class Action, and Notice Plan, with a proposed Notice Date of July 28, 2023.

DATED: July 24, 2023

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on July 24, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Christopher M. Wood

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# Mailing Information for a Case 3:20-cv-00165 Strougo v. Tivity Health, Inc. et al

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)